

NVB 8005 (Rev. 5/16)

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

IN RE:

DATABASEUSA.COM LLC

Debtor(s)

BK-19-10001-btb  
CHAPTER 11

Appeal Reference Number: 20-25

INFOGROUP, INC.

Appellant(s)

vs

NOTICE OF REFERRAL  
OF APPEAL TO  
UNITED STATES DISTRICT COURT

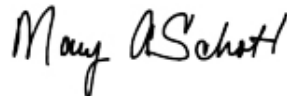
DATABASE USA.COM LLC; EVEREST GROUP LLC  
Appellee(s)

To: All Parties in Appeal  
U.S. Trustee

**NOTICE IS GIVEN** that a Notice of Appeal has been filed by Matthew L. Johnson, Esq. for Infogroup, Inc. with the Clerk of the Bankruptcy Court on 10/1/20.

The above appeal has been referred to the U.S. District Court as the Appellant has filed an Objection/Election for hearing before U.S. District Court with Notice of Appeal.

Dated: 10/2/20



Mary A. Schott  
Clerk of Court

E-Filed: October 1, 2020

Donald L. Swanson (NE Bar No 16385)

*Admitted Pro Hac Vice 1/10/19*

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In Re:

Case No. BK-S-19-10001-BTB

DATABASEUSA.COM LLC,

Chapter 11

Debtor

**NOTICE OF APPEAL AND STATEMENT OF ELECTION**

**Part 1: Identify the appellant(s)**

1. Name(s) of Appellant(s):

Infogroup, Inc.

2. Position of Appellants(s) in the adversary proceeding or bankruptcy case that is subject of this appeal:

For appeals in an adversary proceeding.

☐ Plaintiff

☐ Defendant

☐ Other (describe) \_\_\_\_\_

For appeals in a bankruptcy case and not in an adversary proceeding.

☐ Debtor

☒ Creditor

☐ Trustee

☐ Other (describe) \_\_\_\_\_

## **Part 2: Identify the subject of this appeal**

1. Describe the judgment, order, or decree appealed from: Oral ruling entered on the record during a hearing conducted by Zoom on September 17, 2020 denying Infogroup, Inc.'s Motion of Infogroup, Inc. for Authority to Pursue Claims of the Bankruptcy Estate Against Everest Group, LLC Vinod Gupta, Research USA LLC, the Insider Transferees of Researchusa, Red Fox Industries, Inc., and Robins Kaplan LLP [Docket 286, filed on February 24, 2020]

2. State the date on which the judgment, order, or decree was entered: Oral ruling was entered on September 17, 2020. No written order has been entered (see Fed.R.Bankr.P.8002(a)(2)).

## **Part 3: Identify the other parties to the appeal**

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Infogroup, Inc.

Attorney:

Donald L. Swanson (NE Bar No. 16385)  
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2. Party: Database USA.COM, LLC Attorney: Talitha Gray Kozlowski (9040)  
Teresa M. Pilatowica (9605)  
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Heather (Voegele) Anson  
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2. Party: Everest Group, LLC Attorney: Ryan A. Andersen  
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#### **Part 4: Optional election to have appeal heard by District Court**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. §158(c)(1), a party elects to have the appeal heard

1 by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by  
2 the United States District Court, check below. Do not check the box if the appellant wishes the  
Bankruptcy Appellate Panel to hear the appeal.

3 ☒ Appellant(s) elect to have the appeal heard by the United States District Court rather  
4 than by the Bankruptcy Appellate Panel.

5 **Part 5: Sign below**

6 DATED this 1<sup>st</sup> day of October, 2020.

7  
8 /s/ Matthew L. Johnson

Donald L. Swanson (NE Bar No 16385)

Admitted Pro Hac Vice 1/10/19

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19 *Attorneys for Infogroup, Inc.*  
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Johnson & Gubler, P.C., and that on October 1, 2020, I caused to be served a true and correct copy of the above-referenced document in the following manner:

☒ a. Electronic Service

Under Administrative Order 02-1 (Rev. 8-31-04) of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by that Court's facilities.

☐ b. United States Mail

By depositing a copy of the above-referenced document for mailing in the United States Mail, first class postage prepaid, at Las Vegas, Nevada, to the parties listed below at their last known mailing addresses, on the date above written.

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I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 1, 2020.

/s/ Annabelle Nudo  
An Employee of Johnson & Gubler, P.C.

*Bruce T. Beesley*

Honorable Bruce T. Beesley  
United States Bankruptcy Judge



Entered on Docket  
October 08, 2020

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

DATABASEUSA.COM LLC,  
  
Debtor.

Case No. BK-19-10001-btb

Chapter 11

**ORDER DENYING INFOGROUP, INC.'S  
MOTION FOR AUTHORITY TO PURSUE  
CLAIMS OF THE BANKRUPTCY  
ESTATE AGAINST EVEREST GROUP,  
LLC, VINOD GUPTA, RESEARCH USA,  
LLC, THE INSIDER TRANSFEREES OF  
RESEARCH USA, RED FOX  
INDUSTRIES, INC., AND ROBINS  
KAPLAN LLP (ECF NO. 286)**

An evidentiary hearing on a Motion for Authority to Pursue Claims of the Bankruptcy Estate Against Everest Group, LLC, Vinod Gupta, Research USA, LLC, the Insider Transferees of Research USA, Red Fox Industries, Inc., and Robins Kaplan LLP ("Motion") (ECF No. 286) filed by Infogroup, Inc. was held on August 7, 17, 26 and 27, 2020. Appearances were made by Donald L. Swanson, Esq. of Koley Jessen P.C., L.L.O., attorney for Infogroup, LLC; Teresa Pilatowicz, Esq. and Talitha Kozlowski, Esq. of Garman Turner Gorman, LLP, attorneys for Debtor; Gretchen McGill, Esq. of Dvorak Law Group, LLC, attorney for Debtor; and Thomas Randy Wright, Esq. and Jeremy Hollembeak, Esq. of Baird Holm LLP, attorneys for Everest Group LLC.

1 Having reviewed the Motion and all pleadings filed and evidence admitted in this matter,  
2 the oral arguments of counsel, live testimony of a witness, after due deliberation and  
3 consideration, with proper notice having been given, and good cause appearing;

4 **IT IS HEREBY ORDERED** that Infogroup, Inc. has failed to demonstrate that it meets  
5 the criteria for derivative standing. There is no evidence that Infogroup, Inc. made the requisite  
6 demand to Debtor to take the actions in its proposed Complaint and that Debtor thereafter  
7 declined to do so. The unmade demand was never denied. Infogroup, Inc.'s Motion fails as a  
8 matter of law and it is hereby DENIED.

9 **IT IS SO ORDERED.**

10 ###